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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,281	02/02/2004	Kiriko Yamada	KYO.P0026	2209

7590 04/06/2007
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, OH 44308-1456

EXAMINER

PASCAL, LESLIE C

ART UNIT	PAPER NUMBER
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2613

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/770,281

Applicant(s)

YAMADA ET AL.

Examiner

Leslie Pascal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al (2002/01543641).

In regard to claims 1 and 4, Green teaches a first optical wireless communications apparatus (7, which he says is connected to a TV/video display) for transmitting a pilot beam (12), a second wireless communication apparatus (3 which has a video supply apparatus/signal 14) and receiving the pilot beam (12, in box 3, figure 2). In regard to the modulator of claim 12, see paragraph 35 in which he says there may be a separate modulator. In regard to the axis, it is obvious that the axis must match in order for the system to work since optical signals are directional. In regard to the demodulator, see paragraph in which he teaches the signal is processed (demodulated). In that the second apparatus uses the signal, it would appear that the signals are "reproduced" for the second wireless apparatus. In regard to claims 2 and 5 and the remote control, see paragraph 32. In regard to claims 3 and 6, he teaches that element 3 can send status reports to the central distribution system. It is well known for users to send information with regard to their status in order to let the central distribution system know which signals to send.

3. Applicant's arguments filed 2-26-2007 have been fully considered but they are not persuasive. The applicant argues that the devices are not wireless. In that elements

3 and 7 operate with each other wirelessly, they are considered to be wireless communication apparatus. In regard to the applicants' arguments with respect to the pilot beam which is used to provide the matching of the alignment of the signals. The claims are ambiguous on this point. The claims say a second wireless device for receiving a pilot beam "to have a match for an optical axis". It is not clear from the claims that the pilot beam provides the match. The examiner reads the claim to say that the wireless apparatus (which has a pilot signal) provides a match in axis. The claims read broadly still read on Green because of claim ambiguity. The applicant argues that Green does not teach optical axis match. It is inherent that if the system works there is an optical axis match. Once again, the problem is the ambiguity of the claim. Further, how does having a pilot signal provide the match? The claims do not say how the pilot signal is then used for the axis match. In regard to claims 2 and 5, paragraph 32 teaches receiving a signal from a remote control unit (an external remote control unit) which controls the second unit OR the unit connected to it (1, controls which signals are sent by 1, see paragraph 28). The applicant then argues that the message 12 is modulated by itself. The pilot beam is the optical beam, which is modulated with signal 12. A beam is not necessarily a modulated beam. In regard to the applicant's arguments with regard to claims 3 and 6, the applicant argues that the signals are not sent TO element 7 and therefor cannot be the specific signal. Claims 3 and 6 in no way disclose that the signals are sent ~~to~~ the first apparatus. From the claims, the signal is sent FROM the first means. In that signal 12 is modulated on a beam (considered to be a pilot beam), the claims read on Green. Green teaches a remote control means from

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a subscriber system that sends signals to a wireless means on a beam. Such distribution systems at the subscriber send status signals to the distribution means. For example, in my cable at home, I can change my tier of service using my remote control. This is a status condition. The applicant is reading much more into the claims than are there.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Pascal whose telephone number is 571-272-3032. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leslie Pascal
Primary Examiner
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